

SENATE BILL REPORT

SB 5228

As Reported By Senate Committee On:
Commerce & Trade, March 5, 2003

Title: An act relating to selling or leasing contaminated property.

Brief Description: Selling or leasing contaminated property.

Sponsors: Senators Regala, Winsley, Rasmussen, Schmidt, Haugen, Kastama and Franklin.

Brief History:

Committee Activity: Commerce & Trade: 2/20/03, 3/5/03 [DPS].

SENATE COMMITTEE ON COMMERCE & TRADE

Majority Report: That Substitute Senate Bill No. 5228 be substituted therefor, and the substitute bill do pass.

Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin and Keiser.

Staff: John Dziedzic (786-7784)

Background: Hazardous chemicals are used in the manufacture of illegal drugs. When these chemicals contaminate the property in which the illegal drugs were manufactured, the property may present a public health hazard if the property is subsequently rented or sold to other parties.

If a property owner desires to decontaminate property that was found by a local health official to be contaminated, and thus "unfit for use," the owner must use an authorized contractor. The contractor must perform such services in accordance with an authorized plan. If, upon retesting, the health officer finds the property decontaminated, the health officer will allow the property to be reused, and will file a "release for reuse" document in the county's real property records.

Property that may be found "unfit for use" because of contamination by hazardous chemicals includes both real property (single-family residences, multiplex units, condominiums, apartment buildings, gardens) and tangible personal property (boats, motor vehicles, trailers).

Summary of Substitute Bill: Property subject to inspection for possible contamination is expanded and clarified to include storage units, recreational vehicles and motor homes. The Department of Licensing is prohibited from transferring title if the vehicle is found unfit for use.

A person decontaminating and selling or leasing property must file the "release for reuse" document with either the county records office or the Department of Licensing, and give a copy to the purchaser or lessee. The title for vehicles complying with this provision are stamped "decontaminated/reusable."

If a person selling or leasing any property fails to disclose the fact that the property sold or leased had been contaminated at one time, the purchaser or lessee can rescind the transaction and may seek recovery under the Consumer Protection Act.

Substitute Bill Compared to Original Bill: Provisions relating to vehicle titling are added.

Appropriation: None.

Fiscal Note: Requested on March 3, 2003.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The use of vehicles as mobile meth labs is increasing. People may buy these vehicles not knowing they were chemically contaminated, exposing innocent people, including children, to horrible injury and other dangers.

Testimony Against: Concerns: Without a system of "flagging" a vehicle's record or title, dealers who take vehicles in trade, financial institutions that repossess vehicles, and other sellers may not be aware that the vehicle was or is contaminated, or the potential consumer protection act liability that attaches when it is sold.

Testified: PRO: Helen Myrick, Stephanie Burback, Greater Pierce County Community Network; Bobbie Jo Tarnecki; Debra Ramberg; CONCERNS: Gary Gardner, Boeing Employees Credit Union; Jim Boldt, WA Auto Dealers.